

GENTRY LOCKE
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October 9, 2012

New England Compounding Pharmacy, Inc.
d/b/a New England Compounding Center
c/o Gregory Conigliaro, Registered Agent
697 Waverly Street
Framingham, MA 01701

Re: Record Preservation and Litigation Hold Notice – Estate of Douglas Gray Wingate, deceased

Dear Mr. Conigliaro:

Our firm represents Sharon G. Wingate, Executor of the Estate of Douglas Gray Wingate, deceased. I am writing to you in your representative capacity as registered agent for New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC”).

Mr. Wingate received an epidural steroid injection at Image Guided Pain Management, P.C. t/a Insight Imaging – Roanoke, on September 6, 2012. He subsequently developed meningitis and died on September 18, 2012. We believe that the product which Insight Imaging – Roanoke sold to Mr. Wingate was methylprednisolone acetate manufactured by New England Compounding Pharmacy, Inc. d/b/a NECC (the “Product”). As you are likely aware, NECC has issued a recall of tainted vials of batches of methylprednisolone acetate which are believed to have caused meningitis in a number of patients, including Mr. Wingate.

Record Preservation and Litigation Hold Notice:

On behalf of our client, Sharon G. Wingate, Executor of the Estate of Douglas Gray Wingate, deceased, we request that the following documents, records and information be preserved. This includes all data storage backup files, electronic data generated or received by NECC or its employees/agents (referenced herein as “you” or “NECC”). You should also advise your employees not to delete or overwrite any such evidence. Also, you should preserve any electronic data, regardless of the device on which it is stored (e.g. smartphones). The use of the term “document” below is meant to include all such evidence and data, regardless of whether it is in print media or digital media:

1. All documents related to the medication (believed to be methylprednisone or some other cortisone) sold by NECC to Insight Imaging – Roanoke which may have been

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provided to Mr. Wingate on or about September 6, 2012. This includes any production records for such medication, any vials of similar medication prepared by NECC or containing the same batch number as the product provided to Mr. Wingate and any sales information;

2. All documents or records relating to other purchases which Insight Imaging – Roanoke has made from NECC.

3. All documents related to NECC's source for each and every component placed in to the NECC products which were included in notices of recall issued by NECC for methylprednisolone acetate in September 2012;

4. All documents and records regarding the pricing of such sales to Insight Imaging – Roanoke;

5. Any and all documents or records which in any way relate to safety standards, protocols, batching methodologies, sterilization testing, and other quality control methodologies for products provided and/or sold by NECC;

6. Any and all documents relating to visits by NECC or its employees to Insight Imaging – Roanoke;

7. Any and all documents or records relating to sales calls, sales literature, sales correspondence, or any other marketing information provided or presented by NECC to Insight Imaging – Roanoke;

8. Any and all documents or records relating to regulations or credentialing (or lack thereof) of NECC;

9. Any documents related to criticisms, inquiries, cautions or other letters or communications from any regulatory body to or with NECC;

10. Any documents related to testing of the products sold by NECC which were or may have been contaminated; and

11. Any documents relating to or reflecting communications between NECC and Insight Imaging – Roanoke.

12. The vials of methylprednisolone acetate which have been recalled by you (the "Recalled Lots"), including:

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Methylprednisolone Acetate (PF) 80 mg/ml Injection, Lot #05212012@68, BUD
11/17/2012

Methylprednisolone Acetate (PF) 80 mg/ml Injection, Lot #06292012@26, BUD
12/26/2012

Methylprednisolone Acetate (PF) 80 mg/ml Injection, Lot #08102012@51, BUD
2/6/2013

13. Materials that were used by you in the production of the Recalled Lots. This would include any remaining materials.

Thank you very much for your attention to this matter. Please call me if you have any questions or concerns related to the foregoing.

Very truly yours,

GENTRY LOCKE RAKES & MOORE, LLP



J. Scott Sexton

JSS:lav

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RETURN SERVICE REQUESTED